

REMARKS

As we continue through the circuitous prosecution of this application, applicants are again faced with a rejection which could have been raised many years ago. Thus, the initiation of a rejection under 35 U.S.C. § 112 at this point in the prosecution, relating to language which has been in this case for some seven years, is to say the least exhausting.

Claims 84 and 86-92 have now been rejected for the first time under 35 U.S.C. § 112, second paragraph. The examiner contends that "room temperature," "normal boiling point," and "processing temperature" are vague and subjective, and as to the last phrase the nature and purpose of the process is said to be unclear. This rejection is respectfully traversed in view of the above amendments and arguments, and in accordance with a telephone discussion with the Examiner.

The Examiner's attention is initially directed to the above-noted amendments to claims 84 and 92. Firstly, with respect to the processing temperatures as specified in those claims, applicants have asserted throughout the prosecution of this application that a key element of this invention relates to the exclusion of water and other liquids, apart from the low molecular weight drugs themselves, which have boiling points which are either below the temperatures encountered during processing or drying of the transdermal delivery systems themselves, or which have a boiling point which is equal to or greater than the boiling point of the low molecular weight drug itself, so that they will not remain in the system in significant amounts so as to create significant problems in these systems such as by plasticizing the adhesives utilized therein. In any event, however, in order to more clearly spell this out, applicants have amended claims 84 and 92 to specify that the processing temperatures previously referred to are the temperatures at which the transdermal delivery systems hereof

are dried. Thus, subjecting these systems to such processing temperatures clearly defines, to anyone of ordinary skill in this art, that the systems are to be substantially free of water and other liquids other than the low molecular weight drugs themselves which have a boiling point below that temperature and equal to or greater than the boiling point of the drugs themselves. It is therefore respectfully submitted that, at least with respect to the claimed predetermined processing temperatures, claims 84 and 92 are clearly in compliance with § 112, second paragraph, and in accordance with the applicants' previous discussion with the Examiner it is believed that this objection should be withdrawn.

As for the Examiner's objections to the use of "room temperature" and "normal boiling point," it is first noted that applicants have deleted the word "normal" from the claims, so as to clearly refer to the boiling point of these materials. It is submitted that there can be no doubt as to the meaning of these terms.

Indeed, with respect to the term "room temperature," by a brief search of the Patent Office's database, applicants immediately discovered that there are 17,671 instances of issued patents in which the term "room temperature" is used in the claims thereof. Indeed, there are 29 instances of patents in which "room temperature" is used in the claims and in which Examiner Webman was listed as an Examiner of Record on these patents. It is believed that there can be no doubt as to the meaning and substance of this term, and any objection on this basis should be withdrawn.

As for the term "boiling point," applicants similarly noted that in the Patent Office database there are 11,267 instances of patents in which the term "boiling point" is utilized in the claims thereof, and there are seven patents in which the term "boiling point" was used in the claims and in

which Examiner Webman is listed as an Examiner of Record. It is respectfully submitted that the present claims are clearly in condition for allowance, and following the examination of these claims for some seven years in which every rejection raised by the Examiner has been overcome, it is submitted that the allowance of this application at this time is long overdue.

If, however, there are any additional bases for objection to these claims, and particularly in view of the history of this application, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any such objections thereto.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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